IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 24058 of 2003(L)

PETITIONER:

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1. M.P.RAPPAI, MECHERY HOUSE, PUDUKKAD P.O

2. K.NALINI AMMA, KIZHUVEETTIL HOUSE, ARATTUPUZHA P.O., KARUVANNOOR.

3. C.R.SIDHARTHAN, CHERAKULAM HOUSE, RAPPAI P.O. PARAPPUKKARA.

4. K.G.MURALI, KOVATH HOUSE, CHERUVAL PO, PALAZHI.

5. V.K.SASIDHARAN, VALLATH PARAMBIL HOUSE, PO KARUVANOOR.

6. M.P.PAUL, MECHERY HOUSE, RAPPAL PO PUDUKKAD.

7. V.M.VALSALAN, VADAKKEDATH HOUSE, PANTHALOOR, PO NELLAYI.

8. K.M.VIJAYARAGHAVAN, KAITHAVALAPPIL HOUSE, NANDIKKARA PO.

9. METTILDA DAVID, THARAKAN HOUSE, ELTHURUTH PO.

10. K.S.SIDHARTHAN, KOMATHKATTIL HOUSE, KURUMALAY PO. NANDIKKARA.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, INDUSTRIES DEPARTMENT, THIRUVANANTHAPURAM.

2. THE GEOLOGIST, DEPARTMENT OF MINING
AND GEOLOGY, THRISSUR.

3. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

BY GOVT.PLEADER SMT.K.R.DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO. 24058 OF 2003

A P P E N D I X

Petitioners' Exhibits :

EXT.P1: TRUE COPY OF NOTIFICATION DT. 22.6.1995 ISSUED BY THE FIRST RESPONDENT.

EXT.P2: TRUE COPY OF NOTIFICATION DT. 17.11.1997 ISSUED BY THE DIRECTOR OF MINING AND GEOLOGY.

EXT.P3: TRUE COPY OF CHALAN RECEIPT ISSUED TO THE PETITIONER DT. 18.7.2003.

EXT.P4: TRUE COPY OF SURVEY MAP OF THE AREA SUBMITTED BY THE PETITIONER.

EXT.P5: TRUE COPY OF POSSESSION CERTIFICATE DT. 17.7.2003.

EXT.P6: TRUE COPY OF LETTER DT. 30.5.2003 FROM THE THIRD RESPONDENT TO THE SECOND RESPONDENT.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.24058 of 2003

Dated 10th January, 2007.

J U D G M E N T

In the matter of mining of ordinary sand, there is already an interim order dated 29.7.2003, which reads as follows:-

> "There will be a direction to consider the application submitted by the petitioner and grant licence if it is otherwise in order. The Geologist shall be governed by the provisions contained in the Minor Mineral Concession Rules alone."

The writ petition is hence disposed of in terms of the said interim order.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 10th January, 2007.